

## REMARKS

Claims 11-15 are pending in the application. Applicants thank the Examiner for the teleconference of August 9, 2006 to assist Applicants' understanding of the Examiner's position on the prior art, discussed below. Although Applicants discussed with the Examiner the possibility of amending claim 11 and filing an RCE, upon further consideration of the teachings of the prior art, Applicants do not believe further amendment is warranted and instead submit these remarks. Reconsideration of claims 11-15 is therefore respectfully requested.

### Claim Rejections

Claims 11-15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Perry (US 4,851,943). Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Perry. The method of independent claim 11 is directed to manufacturing a disk drive comprising a head stack assembly (HSA) that itself comprises a suspension and a shipping comb. The method comprises "actuating the shipping comb to bend the suspension in a vertical direction to facilitate the insertion of a merge tool comprising a finger for engaging the suspension." Applicants assert that Perry cannot anticipate claim 11 because Perry does not teach both a shipping comb and a merge tool.

Applicants note MPEP §2111 which provides that "[d]uring patent examination, the pending claims must be 'given their broadest *reasonable* interpretation consistent with the specification.' *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000, emphasis added)." In view of the requirement that claim 11 must be given an interpretation that is no broader than is reasonable in light of the specification, Applicants contend that the interpretations given by the Examiner to "shipping comb" and "merge tool" are unreasonably broad in view of the specification. Applicants assert that in view of the specification, taken as a whole, one of ordinary skill in the art would understand that the shipping comb and the merge tool recited in claim 11 are distinct components from one another, as previously noted on page 9 of the Response to Office Action mailed on December 22, 2005. This would be understood, for example, because the "shipping comb is attached to protect the suspension 16 during storage and shipping" (page 1 lines

21-22), while the merge tool is employed during disk drive manufacturing to facilitate installation of the HSA 6 (page 2 lines 6-7). Applicants also note that Price et al. (US 5,826,325) and Frater et al. (US 6,069,773), both cited in an IDS submitted with the application, support the assertion that merge tools were known in the art and that, by extension, one of ordinary skill would understand that the shipping comb disclosed by the present application is a component that is distinct from the merge tool.

Based on the teleconference of August 9, 2006, it is Applicants' understanding that the Examiner views loader 100 of Perry as reading on both the shipping comb and the merge tool of claim 11. Based on the teleconference, it is Applicants' understanding that the Examiner views the guide piece 114, comprising a plurality of guides 120 (see FIG. 2), as reading on the shipping comb, and views the blades 125 as reading on the merge tool. However, the guide piece 114 and the blades 125 are parts of the same loader 100, and therefore not distinct from one another. Reading the loader 100 of Perry on both the shipping comb and the merge tool of claim 11 is therefore giving "shipping comb" and "merge tool" unreasonably broad interpretations in view of the specification, which consistently refers to them as distinct entities and calls them out separately in the claims.

However, even if, *arguendo*, one accepts the Examiner's position, Perry does not read on claim 11. Claim 11 requires "actuating the shipping comb to bend the suspension in a vertical direction." FIGs. 4-10 of Perry show the loader 100 at sequential stages of merging the magnetic heads 20 with the magnetic disks 16. With reference to FIGs. 6 and 7 Perry states that "guides 120 are now positioned such that their ends 200 extend between flexible arms 22," and that "[a]t this point, it will be appreciated that loader 100 is simply being mechanically positioned on actuator arm 25, and that the position of magnetic heads 20 has not been affected." (col. 5 lines 53-58) It will be understood, therefore, that at least at this point in the merge process the guides 120 have not bent the flexible arms 22.

Thereafter, with respect to FIGs. 8-10 of Perry, "the final movement of the loader 100 in order to spread magnetic heads 20 is disclosed." (col. 5 lines 61-63) Here, "[t]he extension of blades 125 results in the blades passing out of guide 120 into physical

contact with the flexible arms 22.” (col. 6 lines 8-11) Applicants assert that this is the only contact shown in Perry between any part of the loader 100 and the flexible arms 22. It should be clear, therefore, that the portion of the loader 100 viewed by the Examiner as the shipping comb of claim 11 (i.e., the guide piece 114 with the guides 120) never bends the suspension as required.

Additionally, claim 11 requires “inserting the merge tool such that the finger of the merge tool moves into position without scraping against the suspension.” Accepting that the blades 125 read on the merge tool of claim 11, it should be clear from the above that when the blades 125 make physical contact with the flexible arms 22, as can best be seen by FIG. 10, it is inherent that the blades scrape along the undersides of the flexible arms 22 as the flexible arms 22 are pushed into their new positions. In order to not scrape along the undersides of the flexible arms 22, each blade 125 would have to make contact at a fixed point on the underside of the flexible arm 22 and never deviate from that point throughout the pushing process. Clearly, contact at a fixed point cannot be maintained between the blades 125 and the undersides of the flexible arms 22.

Further still, claim 11 requires “detaching the shipping comb from the actuator arm wherein the suspension retracts vertically and engages the finger of the merge tool.” As the guides 120 never make contact with the flexible arms 22, the guides 120 cannot be detached from the flexible arms 22. Certainly, withdrawing the guides 120 does not cause the flexible arms 22 to engage fingers of the blades 125 as the blades 125 engage the flexible arms 22 while the guides 120 are held in a fixed position by engagement of a guide pin 110 with a notch 195 (col. 5 lines 48-51).

Regardless of how one tries to parse the loader 100 disclosed by Perry, presently pending claim 11 requires both the merge tool and the shipping comb to come into contact with the suspension, but the loader 100 disclosed by Perry only makes one contact with the flexible arms 22. Specifically, actuating the shipping comb in step (b) bends the suspension, which requires contact between the shipping comb and the suspension as illustrated in FIGs. 6A and 6B, and step (d) further requires contact between the merge tool and the suspension. Yet it has been shown that the only contact between the loader 100 and the flexible arms 22 of Perry is shown in FIG. 10 where the blades 125 engage flexible arms 22. Even if one were to argue that the entirety of the

loader 100 simultaneously reads on both the shipping comb and the merge tool, it would be impossible for Perry to meet step (d) which requires “detaching the shipping comb from the actuator arm wherein the suspension retracts vertically and engages the finger of the merge tool.” Applicants assert that detaching the loader 100 from actuator arm 25 in Perry cannot cause the flexible arms 22 to engage any portion of the loader 100.

For at least the reasons provided above, Perry cannot anticipate the method of claim 11. Applicants therefore request that the Examiner withdraw the rejections of claim 11, and claims 12-15 depending therefrom, under 35 U.S.C. §102(b).

To further the prosecution of this application, should the foregoing remarks not be found to be persuasive, Applicants respectfully request that the Examiner restate the basis of the rejection of at least claim 11 with more clarity. “A rejection violates 35 U.S.C. §132 if it “is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection,” (*Chester v. Miller*, 906 F.2d 1574, 1578, 15 USPQ2d 1333, 1337 (Fed Cir. 1990)). Applicants note that in the Final Office Action, for example, the Examiner repeatedly refers to “the finger 120 & 125” as if these reference numerals pertain to the same structure whereas the discussion above shows that reference numeral 120 pertains to a guide while reference numeral 125 refers to a blade that passes through the guide 120. With respect to the steps (a) – (e) of claim 11, Applicants find no mention in the Final Office Action of the steps of “(a) inserting the HSA into the base casting,” “(c) inserting the merge tool such that the finger of the merge tool moves into position without scraping against the suspension,” or “(d) detaching the shipping comb from the actuator arm wherein the suspension retracts vertically and engages the finger of the merge tool.”

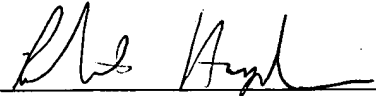
All pending claims are allowable and Applicants respectfully request a Notice of Allowance. Should the Examiner have questions, the Applicants’ undersigned attorney may be reached at the number provided.

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Respectfully submitted,

Date:

8/17/06



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